

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TERRANCE T. POWELL,

Petitioner,

v.

JOHN GAY,

Respondent.

Case No. C07-5046RBL-KLS

ORDER GRANTING  
PETITIONER'S MOTION FOR  
LEAVE TO FILE TRAVERSE TO  
STATE'S ANSWER

This matter is before the Court on petitioner's filing of a motion for leave to file traverse to state's answer. (Dkt. #25). After reviewing petitioner's motion, respondent's response thereto, and the remaining record, the Court hereby finds and orders as follows:


Petitioner requests leave to file a traverse or reply to the answer respondent filed (Dkt. #16) to his petition (Dkt. #5). Respondent does not object to petitioner's request. (Dkt. #26). Indeed, in its order directing service, the Court specifically noted that the answer would be treated in accordance with Local Rule CR 7, and therefore that upon receipt of the answer the matter would be noted for consideration on the fourth Friday after the answer was filed, that petitioner may file a response not later than on the Monday immediately preceding that Friday, and that respondent may file and serve a reply not later than on the Thursday immediately preceding that Friday. (Dkt. #10).

Respondent filed his answer on June 1, 2007. (Dkt. #16). This case, however, was stayed until

1 December 15, 2007 (Dkt. #20), and on January 10, 2008, the Court lifted that stay and re-noted this  
2 matter for consideration on February 17, 2008 (Dkt. #23). Petitioner thus has until February 11, 2008, in  
3 which to file a response to respondent's answer, and petitioner was informed as such by the Court in its  
4 January 10, 2008 order.<sup>1</sup> As petitioner has not requested any extension of time in which to do so, that is  
5 the date by which his response is due.<sup>2</sup> Accordingly, to that extent, petitioner's motion for leave to file  
6 traverse to state's answer (Dkt. #25) hereby is GRANTED.

7 The Clerk shall send a copy of this Order to petitioner and counsel for respondent.

8 DATED this 11th day of February, 2008.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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25 <sup>1</sup>The Court notes that February 17, 2008, is actually a Sunday, not a Friday. However, neither party should be prejudiced  
26 by this, given that the date for consideration of this matter was noted for more than four weeks after the date the Court lifted the  
27 stay. Accordingly, the Court finds it appropriate to treat Friday, February 15, 2008, as the proper date for consideration, and  
Monday, February 11, 2008, the Monday immediately prior thereto, as the date for petitioner to file his response. Respondent thus  
still would have until Thursday, February 14, to file his reply.

28 <sup>2</sup>The Court is aware that the deadline for petitioner's response is only three days after the date of this order. However,  
the date of this order is the same date on which plaintiff's motion was noted for consideration. In addition, given that petitioner  
already was informed that he had until February 11, 2008, to file his response, again the Court finds no prejudice here.